

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND IVY BOUND
ACADEMY CHARTER SCHOOL.

OAH CASE NO. 2010091075

ORDER GRANTING REQUEST TO
FILE AN AMENDED COMPLAINT

On October 12, 2010, the parties filed a stipulation requesting the Office of Administrative Hearings (OAH) to issue an order permitting Student to file an amended complaint; to vacate the existing mediation, prehearing conference, and hearing dates; and to have these dates re-calendared based on the filing of the amended complaint. The basis for the parties' request is to allow them time to participate in a resolution session, as set forth in 20 U.S.C. section 1415(f)(B).

DISCUSSION AND ORDER

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(f)(1)(B).)

Here, the Los Angeles Unified School District has consented to Student's amendment of his complaint. Therefore, the parties' joint request is granted. Accordingly, the amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: October 28, 2010

/s/

GARY GEREN
Administrative Law Judge
Office of Administrative Hearings